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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JASON KINZER, an individual;

Plaintiff,

vs.

ALLEGIANT AIR, LLC, a Nevada limited
liability company; and ALLEGIANT TRAVEL
CO., a Nevada corporation,

Defendants.

Case No. 2:15-cv-02306-JAD-PAL

**DECLARATION OF SEAN W.
McDONALD IN SUPPORT OF
PLAINTIFF'S BILL OF COSTS**

I, Sean W. McDonald, declare:

1. I have served as an attorney for Plaintiff, as local counsel, in this matter. This declaration is made in support of Plaintiff's Bill of Costs submitted in this matter upon the remand to state court, under 28 U.S.C. § 1447(c). This declaration is based upon my personal knowledge or, where based on information and believe, I believe those matters to be true.

2. The Court entered its order remanding this action to state court on June 1, 2016. ECF No. 44.

3. Attached to the Bill of Costs submitted by Plaintiff are true and correct copies of

1 Notices of Electronic Filing generated by the Court, which I received, relative to receipts for the
2 Verified Petitions of Michael J. Pangia and Joseph L. Anderson to appear in this action *pro hac*
3 *vice*. Also attached are true and correct copies of the Notices of Electronic Filing of the Court's
4 Orders granting the verified petitions. These items are included as documentation of the costs.

5 4. These costs are claimed under 28 U.S.C. § 1447(c). Plaintiff makes argument for
6 these costs in his Motion for Attorney's Fees and Costs under 28 U.S.C. § 1447(c), which is
7 being filed contemporaneously with the Bill of Costs. Although Local Rule 54-11(f) states costs
8 are ordinarily not allowed for *pro hac vice* admission fees, Plaintiff believes these costs are
9 allowable under 28 U.S.C. § 1447(c).

10 5. I believe these costs are recoverable under 28 U.S.C. 1447(c) because they were
11 necessarily and actually incurred due to the removal of this action from the state court to the
12 federal court, caused by the Defendants' improvident and unwarranted removal of this action to
13 federal court.

14 I declare under penalty of perjury of the laws of the United States and the State of
15 Nevada that the foregoing is true and correct. Executed this 15th day of June, 2016, at Las
16 Vegas, Nevada.

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18 /s/ Sean W. McDonald
Sean W. McDonald

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